OGC Has Reviewed

3 May 1955

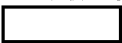MEMORANDUM FOR: Office of General Counsel

SUBJECT   :   Request for Opinion re Dependent Travel Authorization

REFERENCES   :   A.
                       B.
                       C.   25X1A6C
                       D.
                       E.

1.   Reference A is forwarded for your review and recommendation of a suitable response to the field.   (References B, C, D, and E are attached for your convenience.)

2.   While the Division will accept your legal opinion and advice regarding the travel authorization requested in this case, it is desired to point out that the Division holds to its original opinion that authorization for the travel at government expense is not justified on the basis that the personal convenience factor clearly identified in the request (Ref. B) rules out other considerations.   In addition to this, the Division wishes to present its view relative to the two principal contentions provided in the attachment to reference A.

25X1C4E

    a.   <u>Motive or Intent of Employee:</u>   Examination of an employee's request for dependent travel for development of intent or motive is not a factor employed in granting authority for such travel.   However, when such intent or motive is provided as the basis for requesting travel authority for a dependent, it must be utilized as a factor to determine the legality of expending government funds to accomplish that travel.   In this particular case, the employee voluntarily provided the basis for which travel was desired and the Division's decision in the matter was that authorization for the travel was both morally and legally impossible, and therefore, reference C denied the requested authorization.   (Please note that while formal concurrence with OGC was not obtained, Mr. [ ] advised that he did not think it necessary to do so or to pursue the matter further.)   25X1A9A

/to the

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25X1C4E

3.   Request that your recommendation in this matter be provided at
your earliest convenience in order that cable information may be provided
to the field.

25X1A9A

Distribution:
    2 - Addressee

~~SECRET~~